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W. L. Johnson
10/10/03
PATENT
3562-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:

Shuji ONO

Conf.: 5106

Appl. No.:

09/585,553

Group: 2615

Filed:

June 2, 2000

Examiner: Dorothy WU

For:

IMAGE PROCESSING APPARATUS, IMAGE
OUTPUT APPARATUS, AND CAMERA

RECEIVED

DEC 04 2003

REPLY TO RESTRICTION REQUIREMENT

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 3, 2003

Sir:

In reply to the Restriction Requirement dated November 3, 2003, the following remarks are respectfully submitted in connection with the above-identified application.

REMARKS

Claims 1-21 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-5, 16, and 20, drawn to determining a condition for processing an image, classified in class 348, subclass 223.1;



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LARGE ENTITY TRANSMITTAL FORM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 3, 2003

Sir:

Transmitted herewith is a Reply to Restriction/Election Requirement in the above-identified application.

- The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- Petition for _____ month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- No fee is required.
- A check in the amount of \$0.00 is enclosed.
- Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

Appl. No. 09/585,553

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Michael R. Cammarata, #39,491

ln
MRC/CMV/jdm
3562-0102P

P.O. Box 747
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Attachment(s)

(Rev. 09/30/03)

Group II, claims 6-10, 17, and 21, drawn to determining a condition for outputting an image, classified in class 348, subclass 207.2; and

Group III, claims 11-15, 18, and 19, drawn to determining a condition for inputting an image, classified in class 348, subclass 345.

For the purpose of examination of the present application, Applicant elects, with traverse, Group I, claims 1-5, 16, and 20. It is respectfully submitted that the Restriction Requirement is improper in view of the fact that no serious burden is presented to the Examiner to consider all of the claims in a single application.

As set forth in § 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden. Two criteria are identified for proper requirement for restriction:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the examiner if the restriction is not required.

Applicant respectfully submits that a serious burden has not been placed on the Examiner to consider all of the claims in a single application. A review of the subject matter set forth in the claims would have an overlapping search. Thus, a different field of search really does not exist with regard to the claims of the present application.

In order to be responsive to the Examiner's Restriction Requirement, claims 1-5, 16, and 20 have been initially elected. The Examiner is respectfully requested to reconsider the Restriction Requirement and act on all of the claims of the application. If the Examiner does persist on the Restriction Requirement, Applicant respectfully reserves the right to file a divisional application(s) for the non-elected claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


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